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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,653	03/14/2001	Ahmet Mursit Eskicioglu	RCA 89131	7330

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EXAMINER

DAVIS, ZACHARY A

ART UNIT PAPER NUMBER

2137

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/743,653	Applicant(s) ESKICIOGLU ET AL.	
Examiner Zachary A. Davis	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 March 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 March 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

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DETAILED ACTION

1. An amendment was received on 11 March 2005. No claims have been amended or canceled. New Claim 7 has been added. Claims 1-7 are currently pending in the present application.

Response to Arguments

2. Applicant's arguments filed 22 November 2004 have been fully considered but they are not persuasive.

Claims 1-3 were rejected under 35 U.S.C. 102(b) as anticipated by Kudelski et al, US Patent 5144663. Claims 4 and 5 were rejected under 35 U.S.C. 103(a) as unpatentable over Kudelski in view of Schneier, *Applied Cryptography*, and Claim 6 was rejected as unpatentable over Kudelski in view of Schneier, and further in view of EBU Project Group, "Functional Model of a Conditional Access System".

Specifically in reference to Claim 1, Applicant argues that Kudelski does not disclose the step of receiving encrypted access information, where the access information includes data corresponding to the cost of a transmitted event. However, the Examiner believes that Kudelski does disclose such a step (see column 3, lines 6-13, where information including the price of a program transmission is encoded as teletext and added to a video signal; see further column 3, lines 42-50 where the program transmission is scrambled, transmitted and received).

Therefore, for the above reasons, the Examiner maintains the rejections as set forth below.

It is noted that Applicant has not fully complied with the provisions of 37 CFR 1.111(b), namely that, to be considered fully responsive, Applicant's response "must present arguments pointing out the specific distinctions believed to render the claims, *including any newly presented claims*, patentable over any applied references" [emphasis added]. The Examiner notes that Applicant has not presented any such arguments for newly presented Claim 7.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Kudelski et al, US Patent 5144663.

In reference to Claim 1, Kudelski discloses a method for managing access to a restricted transmitted event including receiving and decrypting encrypted access information (column 6, lines 4-10) which includes data corresponding to the price of the transmitted event (column 3, lines 6-13 and 42-50), verifying that the cost of the event is

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less than a pre-stored cash reserve (column 6, lines 35-41), and receiving and descrambling the scrambled transmitted event (column 4, lines 5-19).

In reference to Claim 2, Kudelski further discloses that the access information includes a descrambling key (column 6, lines 6-10) and purchase information including channel identification data, event identity data, date and time stamp data, and billing data (column 6, lines 11-50).

In reference to Claim 3, Kudelski further discloses transferring data associated with the purchased event to update a user's account information (column 8, lines 48-58).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudelski in view of Schneier, *Applied Cryptography*.

In reference to Claims 4 and 5, Kudelski discloses everything as applied to Claim 3 above. Kudelski further discloses a smart card (column 4, lines 58-63) and that the encrypted access information may be encrypted using any encryption system (column 4, lines 54-57); however, Kudelski does not explicitly disclose using a public key system

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for encrypting the access information. Schneier discloses hybrid cryptosystems in which a symmetric key is distributed securely by encrypting the symmetric key with a public key at the sender and decrypting the symmetric key with the private key at the receiver (page 33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Kudelski by encrypting the access information using a public key, in order to gain the benefits of a hybrid cryptosystem, namely the speed of symmetric encryption with less risk of the key being exposed (see Schneier, page 33).

Claim 7 recites limitations corresponding to limitations of Claims 1 and 4, and is rejected by a similar rationale.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kudelski in view of Schneier as applied to claim 5 above, and further in view of EBU Project Group, "Functional Model of a Conditional Access System".

Kudelski as modified by Schneier discloses everything as applied to Claim 5; however, Kudelski as modified above does not explicitly disclose the use of the PCMCIA card standard in the smart card. EBU discloses that a smart card used in a conditional access system may use the PCMCIA standard (page 69, section 3.4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Kudelski as modified by Schneier to use the PCMCIA standard for the smart card, in order to allow the system to contain the

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conditional access system and the descrambler in a single unit (see EBU, page 69, section 3.4).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER